

OFFICIAL GAZETTE



GOVERNMENT OF GOA

NOTE:— There are two Extraordinary issues to the Official Gazette, Series I No. 18 dated 4-8-94 as follows:

- 1) Extraordinary dated 4-8-94 from pages 345 to 346 regarding Notification from Office of Registrar of Cooperative Societies.
- 2) Extraordinary No. 2 dated 8-8-94 from pages 347 to 348, regarding Notification from Transport Department.

GOVERNMENT OF GOA

Education Department

Notification

14/30/93-EDN

Whereas certain draft rules further to amend the Goa, Daman and Diu School Education Rules, 1986, were published as required by sub-section (1) of section 29 of the Goa, Daman and Diu School Education Act, 1984 (Act 15 of 1985), in the Official Gazette, Series I, No. 32 dated 4/11/1993 under Notification No. DE/Acad. I/ Amendment Rules/93 dated 18/10/93 of the Education Department, Government of Goa, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of 30 days from the date of publication of the said Notification in the Official Gazette;

And Whereas the said Gazette was made available to the public on 4/11/93;

And whereas objections and suggestions received from the public on the said draft amendment have been considered by the Government.

Now, therefore, in exercise of the powers conferred by Section 29 of the Goa, Daman and Diu School Education Act, 1984 (Act 15 of 1985), the Government of Goa hereby makes the following rules so as to amend the Goa, Daman and Diu School Education Rules, 1986, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa School Education (Amendment) Rules, 1994.

(2) They shall come into force at once.

2. *Amendment of rule 74.*— In sub-rule (8) of rule 74 of the Goa, Daman and Diu School Education Rules, 1986 (hereinafter referred to as the 'Principal Rules'), for the first proviso, the following shall be substituted, namely:—

"Provided that every such application shall be submitted by the applicant to the Manager thro-

ugh the Head of the School and the Manager shall forward the same to the prospective employer within seven days from the date of its receipt by the Head of the School, with his own remarks and a copy to the applicant who shall be at a liberty to send a copy of such application marked "Advance copy" directly".

3. *Insertion of rules 86A, 86B and 86C.*— After rule 86 of the Principal Rules, the following shall be inserted, namely:—

"86 A. *Transfer of services of employees.*— If the services of an employee of a school are transferable to another school under the same management and if he is so transferred by the management, the employee shall be given the order of such transfer for his record, and

(a) the employee so transferred shall be entitled to such joining time and transfer allowances as are admissible to the corresponding employee in the Government schools:

Provided that no joining time or transfer allowances shall be admissible to the employee where the transfer is made at the request of the employee or the transfer is made to re-deploy surplus staff.

(b) any expenditure incurred by the school on transfer allowances, joining time, pay, etc. shall not be admissible for grants.

86B. *Migration of employee.*—(1) An employee migrating from an aided school to another under a different management shall forward his application to the new post through proper channel as laid down in sub-rule (8) of rule 74. He shall also apply in a specified form, for concurrence of the Director, through proper channel.

(2) The Director may grant his concurrence provided there is no break in service or the break, if any, is condoned under rule 35.

(3) The past services of such an employee in his previous school/schools shall be counted for the purpose of:

(a) protection of pay, as laid down in rule 85 (2);

(b) pension and other retirement benefits, as per rule 35.

(4) The past services of such an employee shall not count for seniority in the new school.

86C. — *Relieving an employee on medical ground.*— if a permanent employee is to be relieved from service on medical grounds, the management shall refer the case to the Director who shall get the employee examined by the Medical Board of the Goa Medical College, Bambolim. It shall be left to the Board to decide whether the employee is fit to continue in service or is to be relieved temporarily or permanently.

The decision of the Medical Board of the Goa Medical College, Bambolim, shall be final and binding on both the parties and shall be communicated by the Director to the management with a copy endorsed to the employee for his acknowledgement”.

4. *Insertion of rule 87A.*— After rule 87 of the Principal Rules, the following shall be inserted, namely:—

“87. *Seniority list.* — (1) It shall be the responsibility of the management to compile categorywise seniority list of employees, in order of their seniority, as defined in rule 87, and maintain them upto date, in accordance with the norms laid down by the Director.

(2) Draft seniority lists drawn up for each category, shall include the names of all employees of that category working in the school/schools run by the management.

(3) A copy of the draft seniority list, so drawn up for each category, shall be made available to each employee of that category, for his records.

(4) Any objection to the draft seniority list, if any, shall be submitted by the employee in writing, to the Head of the school within fifteen days from the date of receipt of the copy of such draft list.

(5) The management shall, after due scrutiny and verification of such objections/claims as are received and after hearing each of such employees as may be affected by possible revision in the list, revise the draft list, if necessary.

(6) A copy of the revised seniority list as finalised by the management, for each category, shall be made available to each employee of that category for his/her record. The employee shall acknowledge the receipt of such list for the record of the school.

(7) In case an employee has any objection/claim in respect of the seniority list so finalised by the management, he/she may prefer an appeal against the same to the Director, within 30 days from the date of receipt of the finalised list, who after making such enquiries as may be deemed necessary, shall decide the case:

Provided that any party aggrieved by the decision of the Director, may prefer an appeal to the Tribunal”.

5. *Amendment of rule 100.*— In rule 100 of the principal Rules, after sub-rule 2 (3), the following shall be inserted, namely:—

“(4) The Head of the School/Chairman shall duly receive the representation or any other correspondence addressed to the higher authorities

or to him by the employee of the school and give acknowledgement of the same to the employee on the duplicate. The Head of the school/Chairman shall forward the same to the next superior authority”.

By order and in the name of the Governor of Goa.

G. J. Prabhudessai, Under Secretary (Education).

Panaji, 20th July, 1994.

LAW (LEGAL & LEGISLATIVE AFFAIRS) DEPARTMENT

Notification

12-1-94/LA

The Chief Election Commissioner and other Election Commissioners (Conditions of Service) Amendment Act, 1993 (Central Act No. 4 of 1994), which has been passed by Parliament and assented to by the President of India on 4th January, 1994 and published in the Gazette of India, Extraordinary, Part-II, Section 1, dated 4-1-1994 is hereby published for general information of the public.

P. V. Kadnekar, Joint Secretary (Law).

Panaji, 24th June, 1994.

THE CHIEF ELECTION COMMISSIONER AND OTHER ELECTION COMMISSIONERS (CONDITIONS OF SERVICE) AMENDMENT ACT, 1993

AN

ACT

to amend the Chief Election Commissioner and other Election Commissioners (Conditions of Service) Act, 1991.

Be it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Chief Election Commissioner and other Election Commissioners (Conditions of Service) Amendment Act, 1993.

(2) It shall be deemed to have come into force on the 1st day of October, 1993.

2. *Amendment of long title.*— In the Chief Election Commissioner and other Election Commissioners (Conditions of Service) Act, 1991 (hereinafter referred to as the principal Act), in the long title, for the words “and for matters”, the words “and to provide for the procedure for transaction of business by the Election Commission and for matters” shall be substituted.

3. *Amendment of section 1.*— In section 1 of the principal Act, for the words and brackets “the Chief Election Commissioner and other Election Commissioners (Conditions of Service)”, the words and brackets “the Election Commission (Conditions

of Service of Election Commissioners and Transaction of Business)" shall be substituted.

4. *Amendment of section 2.* — In section 2 of the principal Act, clause (b) shall be re-lettered as clause (c) and before clause (c) as so re-lettered, the following clause shall be inserted, namely: —

'(b) "Election Commission" means the Election Commission referred to in article 324 of the Constitution;'

5. *Amendment of section 3.* — In section 3 of the principal Act, —

(a) in sub-section (1), —

(i) the brackets and figure "(1)" shall be omitted;

(ii) after the words "Chief Election Commissioner", the words "and other Election Commissioners" shall be inserted;

(b) in sub-section (2), the brackets, figure and words "(2) There shall be paid to an Election Commissioner a salary which is equal to the salary of a Judge of a High Court," shall be omitted.

6. *Amendment of section 4.* — In section 4 of the principal Act, for the first proviso, the following proviso shall be substituted, namely: —

"Provided that where the Chief Election Commissioner or an Election Commissioner attains the age of sixty-five years before the expiry of the said term of six years, he shall vacate his office on the date on which he attains the said age:".

7. *Amendment of section 6.* — In section 6 of the principal Act, —

(a) in sub-section (2), —

(i) after the words "Chief Election Commissioner", the words "or an Election Commissioner" shall be inserted;

(ii) for the word, brackets and figure "sub-section (4)", the word, brackets and figure "sub-section (3)" shall be substituted;

(b) sub-section (3) shall be omitted;

(c) sub-section (4) shall be re-numbered as sub-section (3) and in sub-section (3) as so re-numbered, in clause (b), the words "or as the case may be, sixty-two years," shall be omitted.

8. *Amendment of section 8.* — In section 8 of the principal Act, for the portion beginning with the words "for the time being, applicable to", and ending with the words "apply to an Election Commissioner", the following shall be substituted, namely: —

"for the time being, applicable to a Judge of the Supreme Court under Chapter IV of the Supreme Court Judges (Conditions of Service) Act, 1958 and the rules made thereunder, 41 of 1958, shall, so far as may be, apply to the Chief Election Commissioner and other Election Commissioners".

9. *Insertion of new Chapter III.* — After section 8 of the principal Act, the following Chapter shall be inserted, namely: —

"CHAPTER III

Transaction of Business of Election Commission

9. *Transaction of business of Election Commission.* — The business of the Election Commission shall be transacted in accordance with the provisions of this Act.

10. *Disposal of business by Election Commission.* — (1) The Election Commission may, by unanimous decision, regulate the procedure for transaction of its business as also allocation of its business amongst the Chief Election Commissioner and other Election Commissioners.

(2) Save as provided in sub-section (1), all business of the Election Commission shall, as far as possible, be transacted unanimously.

(3) Subject to the provisions of sub-section (2), if the Chief Election Commissioner and other Election Commissioners differ in opinion on any matter, such matter shall be decided according to the opinion of the majority."

10. *Repeal and saving.* — (1) The Chief Election Commissioner and other Election Commissioners (Conditions of Service) Amendment Ordinance, 1993 is hereby repealed.

Ord. 32
of 1993.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

Notification

12-1-94/LA

The State Bank of India (Amendment) Act, 1993 (Central Act No. 3 of 1994), which has been passed by Parliament and assented to by the President of India on 4th January, 1994 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 4-1-1994 is hereby published for general information of the public.

P. V. Kadnekar, Joint Secretary (Law).

Panaji, 24th June, 1994.

THE STATE BANK OF INDIA (AMENDMENT) ACT, 1993

AN

ACT

further to amend the State Bank of India Act, 1955.

Be it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows: —

1. *Short title and commencement.* — (1) This Act may be called the State Bank of India (Amendment) Act, 1993.

(2) It shall be deemed to have come into force on the 15th day of October, 1993.

2. *Amendment of section 4.* — In section 4 of the State Bank of India Act, 1955^{23 of 1955.} (hereinafter referred to as the principal Act), —

(i) for the words “twenty lakhs”, the words “two crores” shall be substituted;

(ii) for the words “one hundred rupees”, at both the places where they occur, the words “ten rupees” shall be substituted.

3. *Substitution of new section for section 11.* — For section 11 of the principal Act, the following section shall be substituted, namely: —

“11. *Restrictions on voting rights.* — No shareholder, other than the Reserve Bank, shall be entitled to exercise voting rights in respect of any shares held by him in excess of ten per cent of the issued capital:

Provided that such shareholder shall be entitled to exercise voting rights at such higher percentage as the Central Government may, after consultation with the Reserve Bank, specify.”

4. *Amendment of section 12.* — In section 12 of the principal Act, for the words and figures “Banking Companies Act, 1949”, the words and figures “Banking Regulation Act, 1949” shall be substituted.

5. *Substitution of new section for section 13.* — For section 13 of the principal Act, the following section shall be substituted, namely: —

“13. *Register of shareholders.* — (1) The State Bank shall keep at its Central Office, a register, in one or more books of the shareholders, and shall enter therein the following particulars so far as they may be available: —

(i) the names, addresses and occupations, if any, of the shareholders and a statement of the shares held by each shareholder, distinguishing each share by its denoting number;

(ii) the date on which each person is so entered as a shareholder;

(iii) the date on which any person ceases to be a shareholder; and

(iv) such other particulars as may be prescribed.

(2) Notwithstanding anything contained in sub-section (1), it shall be lawful for the State Bank to keep the register of share-holders in computer floppies or diskettes subject to such safeguards as may be prescribed.

(3) Notwithstanding anything contained in the Indian Evidence Act, 1872, a copy of, or extract from, the register of share-holders, certified to be a true copy under the hand of an officer of the State Bank authorised in this behalf, shall, in all legal proceedings, be admissible in evidence.”

6. *Omission of section 14.* — Section 14 of the principal Act shall be omitted.

7. *Substitution of new section for section 15.* — For section 15 of the principal Act, the following section shall be substituted, namely: —

“15. *Trusts not to be entered on the register of share-holders.* — No notice of any trust, express, implied or constructive, shall be entered on the register of shareholders or be receivable by the State Bank.”

8. *Amendment of section 19.* — In section 19 of the principal Act, —

(i) in the opening portion, the brackets and figure “(1)” shall be omitted;

(ii) in clause (c), for the words “principal register”, the words “register of shareholders” shall be substituted.

9. *Amendment of section 20.* — In section 20 of the principal Act, —

(a) in sub-section (3), the words, brackets and figure “of sub-section (1)” shall be omitted;

(b) in sub-section (3A), for the words, brackets, figures and letter “of sub-section (1) of section 19 or nominated under clause (d) of that sub-section”, the words, figures, brackets and letter “of section 19 or nominated under clause (d) of that section” shall be substituted;

(c) in sub-section (4), for the words, brackets, figures and letters “of sub-section (1) of section 19 or nominated under clause (d) or clause (e) or clause (f) of that sub-section”, the words, figures, brackets and letters “of section 19 or nominated under clause (d) or clause (e) or clause (f) of that section” shall be substituted.

10. *Amendment of section 21.* — In section 21 of the principal Act, —

(a) in sub-section (1), —

(i) for clause (b), the following clause shall be substituted, namely: —

“(b) all such directors elected or nominated to the Central Board under clause (c) or clause (d) of section 19 as are ordinarily resident in the area falling within the jurisdiction of the local head office;”;

(ii) clause (d) shall be omitted;

(b) for sub-section (2), the following sub-section shall be substituted, namely: —

“(2) Where as a result of the establishment of any local head office (hereinafter referred to as the new local head office) for any area which is already falling within the jurisdiction of another local head office (hereinafter referred to as the existing local head office) a Local Board (hereinafter referred to as the new Local Board) is constituted for the new local head office, any person who is, at the time of such constitution, holding office as a member of a Local Board (hereinafter referred to as the existing Local Board) for

an existing local head office under clause (c) of sub-section (1) and is ordinarily resident in the area falling within the jurisdiction of the new local head office, shall cease to hold office as member of the existing Local Board and shall become a member of the new Local Board and shall on becoming such member be deemed to have been nominated to the new Local Board and shall hold office as such member for the unexpired portion of his term of office as a member of the existing Local Board.”;

(c) sub-section (4) shall be omitted;

(d) for sub-section (5), the following sub-section shall be substituted, namely:—

“(5) The Governor of the Reserve Bank shall, in consultation with the chairman, appoint—

(a) a member of a Local Board nominated under clause (c) of sub-section (1) to be the president thereof; and

(b) a member of a Local Board holding office under clause (b) or nominated under clause (c) of that sub-section to be the vice-president thereof.”.

11. *Amendment of section 21A.*—In section 21A of the principal Act, sub-section (2) shall be omitted.

12. *Amendment of section 21B.*—In section 21B of the principal Act, for the words “served by the branch register”, the words “falling within the jurisdiction” shall be substituted.

13. *Amendment of section 22.*—In section 22 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (da), in the opening portion, the words, brackets and figure “of sub-section (1)” shall be omitted;

(ii) for clause (h), the following clause shall be substituted:—

“(h) in the case of an elected director, he is not registered as a holder in his own right of unencumbered shares in the State Bank of a nominal value of at least five thousand rupees:

Provided that in the case of a director appointed under clause (ca) or clause (cb) of section 19, the disqualification mentioned in clause (d) shall not operate.”;

(b) in sub-section (4), in clause (a), for the words and figures “Banking Companies Act, 1949”, the words and figures “Banking Regulation Act, 1949” shall be substituted.

14. *Amendment of section 24.*—In section 24 of the principal Act,—

(a) in sub-section (3), for the words, brackets and figures “of sub-section (1) of section 19”, the words and figures “of section 19” shall be substituted;

(b) in sub-section (4), the words, brackets and figure “of sub-section (1)” shall be omitted;

(c) sub-section (5) shall be omitted.

15. *Amendment of section 25.*—In section 25 of the principal Act,—

(a) in sub-section (2), for the portion beginning with the words “clause (cb) of sub-section (1)” and ending with the words “as the case may be,”, the following shall be substituted, namely:—

“clause (cb) of section 19 or of a member of a Local Board other than the chief general manager, the vacancy shall be filled—

(a) in the case of an elected director, by election; and

(b) in the case of a director nominated under clause (d) of section 19 or a member of a Local Board nominated under clause (c) of sub-section (1) of section 21, by nomination in consultation with the Reserve Bank:

Provided that where the duration of the vacancy in the office of an elected director is likely to be less than six months, the vacancy may be filled by the remaining directors”;

(b) in sub-section (4), the words, brackets and figure “of sub-section (1)” shall be omitted.

16. *Amendment of section 31.*—In section 31 of the principal Act, in the proviso to sub-section (3), in clause (iii), the words, brackets and figure “of sub-section (1)” shall be omitted.

17. *Amendment of section 35.*—In section 35 of the principal Act, in sub-section (10), in clause (a), for the words and figures “Banking Companies Act, 1949”, the words and figures “Banking Regulation Act, 1949” shall be substituted.

18. *Amendment of section 36.*—In section 36 of the principal Act, in sub-section (4), for the words and figures “Indian Income-tax Act, 1922”, the words ^{11 of 1922.} and figures “Income-tax Act, 1961” shall ^{43 of 1961.} be substituted.

19. *Amendment of section 49.*—In section 49 of the principal Act, in sub-section (2), in clause (c), the words, brackets and figure “of sub-section (1)” shall be omitted.

20. *Amendment of section 50.*—In section 50 of the principal Act, in sub-section (2),—

(i) for clause (b), the following clause shall be substituted, namely:—

“(b) the maintenance of register of shareholders, and the particulars to be entered in such register in addition to those specified in section 13, the safeguards to be observed in the maintenance of register of shareholders on computer floppies or diskettes, the inspection and closure of the register of shareholders and all other matters connected therewith;”;

(ii) in clause (c), for the words “served by the different branch registers”, the words “falling

within the jurisdiction of each local head office" shall be substituted;

(iii) after clause (c), the following clause shall be inserted, namely:—

"(ca) the determination of areas falling within the jurisdiction of each local head office;"

(iv) in clause (j), the words "on branch registers" shall be omitted.

21. *Transitional provisions.*—(1) As soon as may be after the commencement of the State Bank of India (Amendment) Act, 1993 all branch registers kept by the State Bank at its local head offices, immediately before such commencement, shall be closed and transferred to the Central Office.

(2) All applications or matters relating to the shares in the branch registers referred to in sub-section (1) pending at the local head offices immediately before the commencement of the State Bank of India (Amendment) Act, 1993 shall be transferred to the Central Office and dealt with, or disposed of, as if such applications or matters were made to, or pending with, the Central Office.

(3) Every shareholder of the State Bank holding shares in the denomination of one hundred rupees immediately before the commencement of the State Bank of India (Amendment) Act, 1993 shall be entitled to have the share certificates held by him replaced by share certificates of shares of equivalent value in the denomination of ten rupees in accordance with the procedure specified by the State Bank in this behalf.

22. *Amendment of Act 66 of 1988.*—For section 13 of the Banking, Public Financial Institutions and

Negotiable Instruments Laws (Amendment) Act, 1988, the following section shall be substituted, namely:—

"13. *Amendment of section 21A.*—In section 21A of the State Bank Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Subject to the provisions contained in this section and in sub-section (2) of section 21, a member of a Local Board nominated under clause (c) of sub-section (1) of section 21 shall hold office for such term, not exceeding three years, as the Central Government may specify in this behalf and thereafter until his successor has been duly nominated and shall be eligible for renomination.

Provided that no such director shall hold office continuously for a period exceeding six years."

(b) after sub-section (4), the following sub-section shall be inserted, namely;—

"(5) A member of a Local Board nominated under clause (c) of sub-section (1) of section 21 shall hold office during the pleasure of the Central Government."

23. *Repeal and saving.*—(1) The State Bank of India (Amendment) Ordinance, Ord. 33 of 1993 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.